

### **REMARKS**

By this amendment, claims 1-10 have been amended. New claims 11-15 have been added to provide for more complete claim coverage of the embodiments of the disclosure. Various ones of the claim amendments place the respective claims in better form, as appropriate. Claims 1-15 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, is respectfully requested.

#### **Objection to the Claims**

Claim 6 stands objected to under 37 CFR 1.75(c), as being of improper dependent form. As presented herein, claim 6 has been amended to place the same in appropriate independent form. Withdrawal of the objection is respectfully requested.

Claim 8 stands objected to under 37 CFR 1.75(c), as being of improper dependent form. As presented herein, claim 8 has been amended to place the same in appropriate independent form. Withdrawal of the objection is respectfully requested.

#### **Rejection under 35 U.S.C. §112**

Claims 2-5 and 8-10 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant notes the rejection and has amended claims 2-5 and 8-10, as presented herein, to include antecedent basis for the limitations in the claims. Accordingly, the rejection of claims 2-5 and 8-10 is now believed overcome and should be withdrawn.

**Rejection under 35 U.S.C. §102**

**Claim 1:**

Claim 1 recites an X-ray apparatus comprising:

means for producing imaging data of an X-ray exposure in response to actuation of a start switch; and

a first data transmission unit for generating and transmitting a first data set to a further data transmission unit, the first data set (a) being assembled via a software program of an arithmetic unit started simultaneously with actuation of the start switch, (b) including one selected from the group consisting of (b)(i) selected parameters, (b)(ii) automatically adjusted parameters, and (b)(iii) both selected and automatically adjusted parameters of the X-ray exposure, and (c) extended with further information, wherein the further information serves to enhance protection against errors during a transmission of the first data set, the further information including (c)(i) a time stamp, (c)(ii) an unambiguous data set identification number, and (c)(iii) a checksum.

Support for the amendments to claim 1 (as well as for claims 2, 3, 6 and 8) can be found in the specification at least on page 4, lines 9-13 and 14-20; page 5, lines 26-28; and page 8, line 13. The amendments are supported by the specification and drawings as originally filed, thus no new matter has been introduced.

As presented, the X-ray apparatus of claim 1 advantageously provides parameters of an X-ray image that can be determined in a substantially more accurate and reliable manner. The corresponding parameters of the X-ray exposure are advantageously associated with patient data and a corresponding X-ray image in a simple manner and while the risk of errors or mix-ups are substantially reduced. (See for example, the present specification at page 2, lines 4-9).

Claims 1-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Dewaele (U.S. Patent No. 5,757,021, hereinafter “Dewaele”). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
“*[t]o anticipate a claim, the reference must teach every element of the claim....*”

Therefore, with respect to claim 1, to sustain this rejection the **Dewaele** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner’s position that all elements are disclosed in the **Dewaele** reference, the reference does not disclose an X-ray apparatus that includes “*a data transmission unit* for generating and transmitting a **first data set** ... the **first data set (a)** being assembled via a software program of an arithmetic unit started simultaneously with actuation of the start switch *[of the X-ray apparatus]*, **(b)** including one ... of **(b)(i)** selected parameters, **(b)(ii)** automatically adjusted parameters, and **(b)(iii)** both selected and automatically adjusted parameters of the X-ray exposure, and **(c)** extended with further information ... to enhance *protection* against *errors* during a transmission of the first data set, the *further information* including **(c)(i)** a *time stamp*, **(c)(ii)** an *unambiguous data set identification number*, and **(c)(iii)** a *checksum*” (emphasis added) as is claimed in claim 1. Therefore, the rejection is not supported by the **Dewaele** reference and should be withdrawn.

In contrast, the **Dewaele** reference discloses an identification system and method for use in the field of digital radiography, in which a read/write terminal is used for acquiring data identifying an *examination type*, and for writing the data identifying the *examination type* onto a radiofrequency tag (see, for example Dewaele at col. 3, lines 30-34). “The read/write terminal is customized and configured by means of *radiologist specific data files*. In these files parameter sets are stored for *linking an examination type with parameters* for film layout and image processing and with a destination device where the digitized image is sent to upon completion of the digitization process” (see,

for example Dewaele at col. 6, lines 17-22). In addition, the signal representation of the radiographic image is "processed taking into account the *parameters* corresponding with the identified *examination type*" (see, for example Dewaele at col. 13, lines 17-19). However, the **Dewaele** reference does not disclose "a *data transmission unit* for generating and transmitting a *first data set* ... the *first data set (a)* being assembled via a software program of an arithmetic unit started simultaneously with actuation of the start switch [of the X-ray apparatus], *(b)* including one ... of (b)(i) selected parameters, (b)(ii) automatically adjusted parameters, and (b)(iii) both selected and automatically adjusted parameters of the X-ray exposure, and *(c)* extended with further information ... to enhance *protection* against *errors* during a transmission of the first data set, the *further information* including (c)(i) a *time stamp*, (c)(ii) an *unambiguous data set identification number*, and (c)(iii) a *checksum*" as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Accordingly, the 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claim 2 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 2 is believed allowable and an early formal notice thereof is requested.

Claim 3 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 3 is believed allowable and an early formal notice thereof is requested. Claims 4-5 depend from and further limit independent claim 3 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 6 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of

claim 1, claim 6 is believed allowable and an early formal notice thereof is requested. Claim 7 depends from and further limits independent claim 6 and therefore is allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 8 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 8 is believed allowable and an early formal notice thereof is requested. Claims 9-10 depend from and further limit independent claim 8 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### New Claims

New claims 11-15 have been added to provide for more complete claim coverage of the embodiments of the present disclosure. Support for the new claims can be found in the specification as originally filed, at least on page 7, lines 23-24. Claim 11 depends from and further limits independent claim 1 and therefore is allowable as well. Claim 12 depends from and further limits independent claim 2 and therefore is allowable as well. Claim 13 depends from and further limits independent claim 3 and therefore is allowable as well. Claim 14 depends from and further limits independent claim 6 and therefore is allowable as well. Claim 15 depends from and further limits independent claim 8 and therefore is allowable as well.

### Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce

subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 2, 3, 6 and 8 are in condition for allowance. Claim 11 depends from and further limits independent claim 1 and therefore is allowable as well. Claim 12 depends from and further limits independent claim 2 and therefore is allowable as well. Claims 4-5 and 13 depend from and further limit independent claim 3 and therefore are allowable as well. Claims 7 and 14 depend from and further limit independent claim 6 and therefore are allowable as well. Claims 9-10 and 15 depend from and further limit independent claim 8 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-15 is requested.

Respectfully submitted,

*/Michael J. Balconi-Lamica/*

Michael J. Balconi-Lamica  
Registration No. 34,291  
for Charles E. Kosinski, Reg. No. 39,254

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**Mail all correspondence to:**

Charles E. Kosinski, Esq.  
Philips Intellectual Property & Standards  
P.O. Box 3001  
Briarcliff Manor, New York 10510-8001, USA  
Telephone: (724) 387-3746  
email: [charles.kosinski@philips.com](mailto:charles.kosinski@philips.com)  
Facsimile: 914-332-0615

a-32658.352